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C O N F I D E N T I A L MEXICO 000873

SENSITIVE
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E.O. 12958: DECL: 12/21/2017
TAGS: PGOV PREL PINR MX
SUBJECT: MEXICO'S FEDERAL POLICE MERGER MAY BE DEAD

REF: A. MEXICO 2951
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Classified By: Political Minister Counselor Charles V. Barclay.
Reason: 1.4 (b), (d).

¶11. (C) Summary. President Calderon has reportedly dropped plans to reorganize the country's federal police forces by merging the some 4,700 members of the PGR's Federal Investigative Agency (AFI) with the Secretariat for Public Security's (SSP) Federal Preventative Police (PFP). President Calderon and SSP head Genaro Garcia Luna have long sought to consolidate federal police elements into a single combined Federal Police force, a plan which has encountered resistance from opposition political parties and from within federal police ranks themselves. The impact of Calderon's decision to let the reform proposal stall on Mexico's federal law enforcement entities is at this point uncertain, but what is clear is that the PGR has real work to do if it wants to bring the AFI up to standard. The USG will have to refocus attention on AFI as a vital investigative police force with a key role to play in the country's justice reform efforts and fight against organized crime. End Summary.

Police Merger Plan to Fade Away

¶12. (C) Mexican Attorney General (PGR) Eduardo Medina Mora told the Embassy's DEA attache that President Calderon has decided to drop plans to reorganize the country's federal police forces by merging the some 4,700 members of the PGR's Federal Investigative Agency (AFI) with the Secretariat for Public Security's (SSP) Federal Preventative Police (PFP) under the SSP's exclusive authority. Medina Mora noted that the PGR will reabsorb AFI elements that had already been transferred to SSP, and that while the old AFI organizational structure is still mostly in place, some reorganization might be necessary as the AFI units are returned. Few details as to how this reorganization may look or take place are available, suggesting that the PGR is still very much in the planning stages. Adviser to Medina Mora, Oscar Rocha, said that the PGR is focused on finding appropriate candidates to fill commander-level slots, and has asked for U.S. assistance in vetting them. Medina Mora privately named Nicandra Castro as the new head of AFI. Castro is currently a prosecutor in the PGR/SIEDO's anti-kidnapping unit, and reportedly is highly respected with a reputation of being "tough." According to the DEA attache, Castro passed a U.S. administered polygraph exam on December 10, 2008.

¶13. (C) Poloffs have been told by other sources that the reform measure has been, for all intents and purposes, abandoned. The federal prosecutor in Ciudad Juarez told Poloff earlier this month that PGR would maintain control over remaining AFI elements, and Poloffs have heard rumors over the past months that AFI elements already transferred to SSP were, in fact, being slowly moved back. PRD Senator Tomas Torres told Poloff on March 23 that, while he did not consider the proposal completely moribund, it was off the table at this point. SSP contact Hector Sanchez told Poloff on March 24 that he also did not think the merger would happen.

Opposition, Election Politics Likely Factors

¶14. (C) Calderon may have backed away from the proposal after gauging that the required legislation would either not pass or would require too much political sacrifice or compromise on his part. His calculus probably was impacted by election year politics, which may have convinced him to quietly abandon the measure -- at least for now -- rather than publicly fight a battle that he might not win. The reorganization plan has encountered resistance from opposition political parties and from within federal police ranks themselves. PGR contacts have told the Embassy that a rift developed between the officers remaining at PGR and the AFI elements who had already been turned over to SSP, with the transferred elements believing that those working-level cops remaining at PGR were corrupt and ineffectual. AFI officers also looked down on their generally less-educated PFP counterparts and were concerned that they would be unfairly treated by their new SSP bosses. Angst and uncertainty amongst AFI elements sparked protests last fall that led to marches on the Senate and a takeover of AFI headquarters by the PFP (ref a).

¶15. (C) Opposition parties, and in particular the Revolutionary Institutional Party (PRI), have been unenthused about the proposal. PRI contacts -- including top party leaders such as Emilio Gamboa and Chamber of Deputies President Cesar Duarte -- repeatedly told Poloffs that they would not support the reform as written. Party insiders most often cited a strong reluctance to support a measure that would put so much police authority in the hands of one person, and were particularly concerned about transferring to the SSP investigative powers including judicially authorized telecommunications intercept capability. While PRI has looked to stall or put their own stamp on some of Calderon's reforms for pure politicking purposes, the party has appeared to be more intransigent in their refusal to back this one.

SSP STILL LOOKING FOR BROADER MANDATE

¶16. (C) President Calderon and SSP head Genaro Garcia Luna have long sought to consolidate federal police elements into a single combined Federal Police force. Early in the Calderon administration, Garcia Luna transferred much of AFI's leadership and some units, such as the anti-kidnapping operation, into SSP, though most rank and file investigators remained in the PGR. The GOM waited to make the remaining moves until it could secure legislative authority for the measure. The administration initially sought congressional approval for consolidation in the spring of 2007 as part of a broader constitutional change and legal reform effort that was signed into law in June 2007. Calderon then submitted during the last legislative session (September - December 2008) new legislation to formalize and set in motion the new arrangement, which has stalled in Congress since being introduced.

¶17. (C) Garcia Luna in conversations with Embassy officers has in the past been more hopeful as to the prospects of the legislation in Congress, but as of late has seemed far less optimistic. Garcia Luna may be looking for ways to work around the apparent legislative failure by laying the groundwork through training programs and legal analysis to

maintain and expand the SSP's investigative capabilities even as its new investigative elements are transferred back to PGR. Post law enforcement officers said Garcial Luna is looking to train some 8,000 to 10,000 PFP investigators this year (ref b) -- although training 1,500 trainees probably would be a far more feasible project -- and also noted that SSP attorneys have interpreted the PFP's "prevention" responsibilities as necessitating a an investigative role.

By rapidly moving future PFP investigators through the training pipeline and articulating legal arguments, he may be hoping to convince Calderon and other justice system elements that the SSP should be allowed to continue with the development of such capabilities despite the likely failure to codify such SSP powers into law.

Comment

¶8. (C) Until the SSP and PGR sort out whether both bodies or only one will have investigative authority, the long term impact of the decision not to move forward with the federal police merger on law enforcement entities is unclear. Moreover, academic and expert opinion on the efficacy of the reorganization in a broader sense has long been mixed. Some analysts have pointed to the move as potentially improving and increasing the capacity and efficiency of the federal police, allowing it to play a more effective role in justice system reforms which require better investigations and policework -- without the consolidation of the two forces, investigative and preventative authorities are technically split between the AFI and the PFP, with the 25,000-strong PFP legally lacking investigative authority. Other analysts have suggested that merging the two forces will do little to resolve the outstanding problems plaguing the country's police, such as corruption and low performance standards, and in fact could only serve to worsen dishonesty within the ranks as external checks in the form of division of powers are removed. Still others have suggested that PGR needs an enforcement body in the form of the AFI in order to do its work as a prosecutorial agency.

¶9. (C) What is clear is that the PGR has real work to do if it wants to bring the AFI up to the standards necessitated by Mexico's move toward justice system reform and an adversarial judicial system. The PGR has been beleaguered by high-level corruption and a slow adaptation to the new justice reform requirements. The vetting and performance standards mandated by the new National Public Security System -- signed into law in January -- will provide the framework to bring the organization up to par. Nevertheless, the AFI will need highly capable, honest, and dedicated commanders in order to do the footwork necessary to clean house, restructure, and retrain Mexico's federal investigative force. Medina Mora has privately and informally requested that the USG provide assistance, particularly training and vetting, in rebuilding and improving AFI, and the USG will have to refocus attention on AFI as a vital police force with a key role to play in the country's justice reform efforts and fight against organized crime.

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